REMARKS

Further and favorable reconsideration is respectfully requested in view of the foregoing amendment and following remarks.

Initially, referring to the objection to the abstract in item 7 on page 3 of the Office Action, the abstract has been rewritten to form a complete sentence, as a result of which the objection has been rendered moot.

The patentability of the presently claimed invention over the disclosures of the references relied upon by the Examiner in rejecting the claims will be apparent upon consideration of the following remarks.

Applicants continue to rely on their previous patentability arguments in support of withdrawal of the rejections which have now been maintained by the Examiner. Although the Examiner takes the position that the arguments are conclusory statements not supported by factual evidence, Applicants respectfully submit this is not the case, as will be apparent from the detailed remarks set forth below, couched in a "problem-solution" approach in considering patentability of the invention.

Re Item 11 (Response to Arguments)

In the Response to Applicants' arguments, the Examiner states that the response is not persuasive as:

-Applicants argue that the aim of the invention is the reduction of the reactivity of the aldehyde;

-whereby said reduction of the reactivity cannot be improved with the help of humectants.

Those statements are considered by the Examiner to be only "conclusory statements" due to lack of evidence for said statements.

The intention of the following remarks is to discuss the aim of the instant invention. Further, these remarks will both illustrate and support Applicants' previous statements.

The aim of the instant invention is apparent from the discussion of the prior art at the beginning of the instant description, especially citing DE-C1-38 11 267 (page 1, 3rd paragraph) for describing a composition for the pretanning of pelts which contains an aliphatic dialdehyde and contains an aliphatic hydroxy compound for improving the penetration of the dialdehyde into the inner regions of the hide and for more uniform tanning. The content of 0.2 to 4 mol,

based on 1 mol of dialdehyde, of a hydroxy compound is relatively high and the use of smaller amounts is desirable (note: an English equivalent of DE-C1-38 11 267 is US 5,011,499 cited in Applicants' IDS of April 7, 2006).

In other words, it is stated that the pretanning of pelts with solely dialdehydes still has some disadvantages in that uniform tanning is difficult to achieve. The same applies to the compositions disclosed in DE-C1-38 11 267. The aim of the instant invention was therefore to provide an improved solution to this problem of pretanning of pelts with dialdehydes.

In Applicants' response of June 16, 2010, they argued that the aim of the invention is the reduction of the reactivity of the aldehyde, which is still the same aim as achieving a uniform tanning, however formulated more to the point with regard to the underlying problem.

Evidence can be found in US 5,011,499, col. 2, lines 21-68, which discusses said problems and finally states (col. 2, lines 55-59): "*To obtain diffusion, the astringent components must be inactivated reversibly, so that in the first pretanning phase crosslinking is suppressed and penetration is facilitated.*" The statement "*crosslinking is suppressed and penetration is facilitated*" says in other words that the reactivity should be reduced.

Additional evidence can be found e.g. in an article, which can be found on the internet under:
http://www.schillseilacher.de/sundsdb/upload_data/Derugan_pretanning_system.pdf.
This article discusses the "Derugan®" product family from the company Schill + Seilacher AG, a product line useful for pretanning with aldehydes. Enclosed are the cover page and page 17, as page 17 states e.g. that (emphasis added) "*these modified products are mixtures of glutaraldehyde with a reversible-acting masking agent*". Further, it is mentioned that *"the use of glutaraldehyde as the sole tanning agent was frequently avoided due to the danger of exclusive surface tanning*." These excerpts provide evidence for Applicants' statement that the reactivity of the aldehyde is a known problem in pretanning pelts.

In summary, Applicants' arguments are not "conclusory statements" unsupported by factual evidence as stated by the Examiner.

The instant invention provides a solution to this known problem of pretanning with aldehydes, by providing a certain composition comprising an aldehyde in the presence of two further components. The provided results show that such pretanned pelts show less yellowing,

high and very uniform shrinkage temperatures, and shorter pretanning times. In other words, the reactivity of the dialdehyde has been optimized.

After the finding of the Examiner that Applicants' arguments are "conclusory statements", the Examiner continues in the "Response to Arguments" by stating that "*it is prima facie obvious to combine two compositions each of which is taught by the prior art to be useful for the same purpose*". The "same purpose" seems to be mean both the "humectant properties" and "moisturizing benefits" mentioned by the Examiner under both items 9 and 10.

However, Applicants submit that the specific combinations of documents made by the Examiner would not occur to those skilled in art due to the lack of "the same purpose" as discussed below:

Item 9

The rejection of claims 1-16 under 35 U.S.C. § 103(a) as being unpatentable over Lauton et al. (US '414) in view of Maue (US '522) is respectfully traversed.

According to the Examiner it would be obvious to modify the formulations and methods of Lauton et al. by incorporating the humectants as taught by Maue because Maue "teaches the moisturizing benefits these compounds provide to hides and pelts". (Emphasis added).

However, the teachings of the cited prior art and the instant application should be discussed in view of the aim of the instant invention. Any contemplated combination of the respective teachings should be viewed from "the same purpose" standpoint of whether said combination would make sense.

The aim of the instant invention is to overcome disadvantages which are known in the art, if the pretanning agent is solely an aldehyde due to its reactivity.

Both, the instant invention and Lauton et al. disclose a method for pretanning hides by using aldehydes.

Maue discloses an "agent for treatment of hides" (title) in the form of N-heterocyclic amides (lactams) "to produce processed hides or pelts of improved dyeability, flexibility and moisture content" (lines 3-5 of the 2nd paragraph of the abstract). (Emphasis added).

In summary, Maue discloses the use of certain lactams for improving the moisture content of hides. For said purpose humectants can be an additional aid, as they are compatible with the lactams.

The instant application does not address any problems with "producing processed hides or pelts of improved dyeability, flexibility and moisture content."

On the other hand, unlike the present invention, Maue does not address any problems faced by pretanning hides with aldehydes, as in col. 9, lines 28-33, it is stated that "The above improvements in leather tanning are also obtained when employed in a process involving tanning and retanning, such as for example, chrome tanning followed by vegetable tanning, tanning with Syntans or with other metal salts, such as zirconium sulfate and potassium ammonium sulfate." While addressing almost all other tanning possibilities, (pre)tanning with aldehydes is not mentioned.

Looking further into the Examples of the Maue reference, a humectant (sorbitol) is used in "Formulation III" (see the table in col. 10). Formulation III is used as a base coat for subsequent finish coats as described in Example II. This is a finishing step, thus far remote from pretanning. Therefore, the Examples provide no motivation for the skilled person to look for solutions to problems of pretanning with aldehydes.

Consequently, one skilled in the art would not be led to a meaningful combination of the teachings of both Lauton et al. and Maue, if one considers the underlying purpose of the respective compositions.

Item 10

The rejection of claims 1-16 under 35 U.S.C. § 103(a) as being unpatentable over Lauton et al. in view of Kritchevsky (US '627) is respectfully traversed.

The comments set forth above concerning the Lauton et al. reference are equally applicable to this rejection. Furthermore, since the Examiner's rationale for combining Lauton et al. and Kritchevsky is essentially the same as for combining Lauton et al. with Maue, Applicants' comments as set forth above concerning the lack of motivation for combining the references are also applicable to the rejection based on a combination of Lauton et al. with Kritchevsky.

For these reasons, Applicants take the position that the presently claimed invention is clearly patentable over the applied references.

Therefore, in view of the foregoing amendment and remarks, it is submitted that each of the grounds of objection and rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

Alain LAUTON et al.

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